



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,792	03/08/2006	Henrik Guldmann Rasmussen	742113-35	4141
25570	7590	04/20/2009	EXAMINER	
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.			TAPOLCAI, WILLIAM E	
Intellectual Property Department				
P.O. Box 10064			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102-8064			3744	
			NOTIFICATION DATE	DELIVERY MODE
			04/20/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lgallagher@rmsclaw.com
dbeltran@rmsclaw.com
bdiaz@rmsclaw.com

1. Applicant's arguments filed April 9, 2009 have been fully considered but they are not persuasive. Applicant's remarks regarding the claimed conveyor screw vs. the agitator screw of Chen are not persuasive because Chen is considered to disclose the claimed structure. There are no recited elements that distinguish the claims over the structure disclosed in Chen. The mere recitation in the preamble of the claims of a "conveyor" screw is considered to be a functional recitation and a statement of intended use, and not a positive structural limitation.
2. Although Applicant appears to have support in his specification for the claimed range of the ratio of the shorter and longer screw flights, there is still no statement of why this particular range of ratios is critical. Inasmuch as Chen discloses the screw having two flights that are different in radius, it is important for Applicant to show that the claimed range of ratios has some criticality over what Chen discloses, and is not a mere matter of obvious design choice.
3. The motivation to combine Hoffman and Chen comes from the fact that both patents disclose screws to mix the material being treated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (571) 272-4814. The examiner can normally be reached on Mon. - Thurs., 6:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William E. Tapolcai/
Primary Examiner, Art Unit 3744

wet
April 14, 2009